

BEFORE THE
OFFICE OF ADMINISTRATIVE HEARINGS
STATE OF CALIFORNIA

In the Matter of:

WEST CONTRA COSTA UNIFIED
SCHOOL DISTRICT,

v.

PARENT ON BEHALF OF STUDENT.

OAH CASE NO. 2013030286

ORDER GRANTING REQUEST FOR
CONTINUANCE AND SETTING
MEDIATION AND PREHEARING
CONFERENCE

On March 18, 2013, the parties filed a joint request to continue, using the Office of Administrative Hearing's (OAH's) form. The form does not request a jointly agreed upon hearing date and does not request OAH set a new hearing date, based upon OAH's calendar, within 90 days of the original hearing date. It only asks for mediation to be set on March 27, 2013 and the prehearing conference (PHC) to be set on March 28, 2013. As discussed below, OAH will grant the parties' request, although the PHC date shall be different than requested. If the parties had intended to continue the hearing, they may submit a new form.

A due process hearing must be conducted and a decision rendered within 45 days of receipt of the due process notice unless an extension is granted for good cause. (34 C.F.R. § 300.515(a) & (c) (2006); Ed. Code, §§ 56502, subd. (f), 56505, subd. (f)(3); Cal. Code Regs., tit. 1, § 1020.) As a result, continuances are disfavored. Good cause may include the unavailability of a party, counsel, or an essential witness due to death, illness or other excusable circumstances; substitution of an attorney when the substitution is required in the interests of justice; a party's excused inability to obtain essential testimony or other material evidence despite diligent efforts; or another significant, unanticipated change in the status of the case as a result of which the case is not ready for hearing. (See Cal. Rules of Court, rule 3.1332(c).) OAH considers all relevant facts and circumstances, including the proximity of the hearing date; previous continuances or delays; the length of continuance requested; the availability of other means to address the problem giving rise to the request; prejudice to a party or witness as a result of a continuance; the impact of granting a continuance on other pending hearings; whether trial counsel is engaged in another trial; whether the parties have stipulated to a continuance; whether the interests of justice are served by the continuance; and any other relevant fact or circumstance. (See Cal. Rules of Court, rule 3.1332(d).)

OAH has reviewed the request for good cause and considered all relevant facts and circumstances. The request is:

☒ Granted. The mediation and PHC dates are vacated. This matter will be set as follows:

Mediation:	March 27, 2013, at 9:30 AM
Prehearing Conference:	April 3, 2013, at 10:00 AM
Due Process Hearing:	Shall remain as calendared – April 4, 2013, at 9:30 AM, and continuing day to day, Monday through Thursday, as needed at the discretion of the Administrative Law Judge.

IT IS SO ORDERED.

Dated: March 18, 2013

/s/

BOB N. VARMA
Presiding Administrative Law Judge
Office of Administrative Hearings